

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
v.	§	EP-11-CR-2728-KC
	§	
ANGEL OCASIO.	§	

ORDER

On this day the Court considered the government’s Unopposed Motion to Enlarge Time in which to Respond (“Motion”), ECF No. 133. In the Motion, the government requests a one-week extension to file a motion to quash a subpoena because the lead Assistant United States Attorney in this case is currently hospitalized. *Id.* at 2. The Court has reviewed the Motion and for the reasons set forth below the Motion is **DENIED**.

The Court understands the government’s difficult position. However, this case is set for trial in less than one month. Given these circumstances, the Court cannot grant the requested one-week extension.¹ *See* Fed. R. Crim. P. 17(c)(2) (“On motion made *promptly*, the court may quash or modify the subpoena if compliance would be unreasonable or oppressive.”) (emphasis added)

In its Motion, the government states that “[o]n May 21, 2013, the Government learned a subpoena had been in fact served on TLO LLC.” Mot. 2. In accordance with the Court’s May 20, 2013, Order, ECF No. 132, the government may move to quash within forty-eight hours of when it learned that TLO LLC had been served with a subpoena. Since the government does not

¹ The Court notes that other United States Attorneys, including Mr. Daniel R. Crumby, have appeared before this Court with regard to this matter. *See, e.g.*, November 2, 2012, Minute Entry, ECF No. 73. The Court sees no reason why another United States Attorney would not be able to file a motion to quash.

specify when on May 21, 2013, it learned of the subpoena, the Court will accept any motion to quash filed on or before May 23, 2013.

SO ORDERED.

SIGNED this 22nd day of May, 2013.


KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE